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STATE OF WISCONSIN

BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

MARK D. PETERS, D.V.M.

FINAL DECISION AND ORDER

RESPONDENT

LS0111282VET

The parties to this action for the purposes of sec. 227.53, Wis. Stats. are:

Mark D. Peters, D.V.M.

c/o Oregon Veterinary Medical Clinic

1145 Park Street

Oregon, Wi. 53575

Veterinary Examining Board

1400 E. Washington Avenue

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

1400 E. Washington Avenue

P.O. Box 8935

Madison, WI 53708-8935

The parties in this matter, Mark D. Peters, D.V.M., and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Veterinary Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Mark D. Peters, D.V.M., Respondent herein, of 1145 Park Street, Oregon, Wisconsin 53575, whose date of birth is February 21, 1955, is currently licensed to practice veterinary medicine under license number 3028 which was granted on July 8, 1987.

2. A formal investigation involving Respondent and entitled 95 Vet 43 is pending before the Wisconsin Veterinary Examining Board.

3. On or about September 20, 1995, Patricia Woodman contacted Judith Halverson, D.V.M., a veterinarian employed at the Oregon Veterinary Clinic, with concerns about the dental condition of her eleven year old male Schnauzer.

4. Dr. Halverson recommended that Mrs. Woodman bring the dog to the clinic for a dental examination. Dr. Halverson scheduled the dental appointment with Mark Peters, D.V.M., Respondent herein, who is part time employee of the clinic primarily responsible for surgical, dental and diagnostic radiographic procedures.
5. On September 21, 1995, at 10:30 a.m., the Woodman dog was admitted to the Oregon Veterinary Clinic by the reception staff.
6. A physical examination of the Woodman dog was performed by Dr. Peters who noted a foul mouth odor, severe dental disease and inflamed gingiva. Because of the age of the dog, he performed a dipstick BUN to rule out uremia as a potential cause of the odor and inflamed oral mucosa.
7. The results of the BUN were within normal limits.
8. Respondent performed a twenty minute dental procedure where he cleaned the teeth and extracted several teeth.
9. Following the surgical procedure, Respondent administered parenteral antibiotic therapy, ordered oral antibiotics, the animal was extubated and returned to the kennel area.
10. At 1:00 p.m. Respondent noted the animal's postoperative condition was stable and left the clinic for the day.
11. When Respondent left the clinic he believed the animal to be under the care of the two full time staff veterinarians, Dr. Halverson and James Orvick, D.V.M, who is also an owner of the clinic.
12. The entire clinic record for September 21, 1995, states as follows:
"clean teeth, check (sic) mouth – multiple extractions. Penicillin injection. Rx – Alleplex BID x 10. BUN 5-15."
13. No further monitoring or treatment of the Woodman dog is noted for September 21, 1995.
14. Ms. Woodman contacted Dr. Halverson the evening of September 21 to arrange to pick up the dog. Dr. Halverson advised the owner that the dog should remain in the clinic since there was not full recovery from the anesthetic at this time. The owner agreed and left the dog at the clinic.
15. At 7:30 a.m. on the following morning, September 22, 1995, Respondent arrived at the clinic and was informed by Pat Judd, a veterinary technician, that the Woodman dog was groggy but ambulatory and able to go outside. It was unknown whether the dog urinated, but the dog did drink water.
16. Respondent noted that the dog appeared lethargic, which he attributed to the lingering effects of the anesthesia, but also noted the dog's mucous membranes to be pink and that the dog did not appear clinically dehydrated.
17. Respondent ordered the veterinary technician to provide intravenous fluids to the animal when time was available.
18. The observations and fluid order are not contained in the medical record.
19. Respondent did not determine if the fluids were administered.
20. On the morning of September 22, Dr. Halverson, on her day off, returned to the clinic to observe a surgical procedure to be performed by Dr. Peters.
21. At some time during the morning of September 22, Ms. Woodman arrived at the clinic to taken her dog home. At that time she was advised by Dr. Halverson who had just arrived, that the animal should remain in order that he could be monitored since he was not fully recovered from the effects of the anesthesia. Ms. Woodman agreed to leave the dog at the clinic for further observation.
22. Respondent noted Dr. Halverson had arrived and was speaking with Ms. Woodman so he returned to the surgical suite without speaking to the owner.
23. Dr. Halverson left the clinic immediately after observing the surgical procedure Respondent was performing.
24. Respondent observed the Woodman animal again at 1:00 p.m. on September 22, at which time he noted the fluids had not been administered and again advised the technician to start the fluids. He then left the clinic for day.
25. Dr. Peter's 1:00 p.m. observations and fluid order is not reflected in the medical record.
26. When the veterinary technician returned to the dog's cage at sometime after 1:00 p.m. to administer the

fluids, the dog had died.

27. Respondent believed that there was confusion regarding who had primary case responsibility for the Woodman dog.

28. In 1995, all communications regarding transfer of patients and the care previously provided was done verbally.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 453.04.

2. The Wisconsin Veterinary Examining Board has the authority to resolve this matter by stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent's failure to ensure that his post operative instructions regarding the administration of fluids was accomplished and his failure to ensure that post operative patient care was effectively transferred to another veterinarian constitutes a violation of Wis. Stats. sec. 453.07 (f) and Wis. Adm. Code sec. VE 7.06 (1).

ORDER

IT IS THEREFORE ORDERED that Mark Peters, D.V.M., Respondent herein, is hereby REPRIMANDED by the State of Wisconsin Veterinary Examining Board.

IT IS FURTHER ORDERED that Respondent shall ensure that all animal patients for which he provides veterinary treatment are transferred to another veterinarian for continued care when Respondent is unavailable or will no longer be providing treatment to the patient. Respondent shall be responsible for ensuring the second veterinarian is informed of the animal's condition and treatment and accepts the transfer of care. Such acceptance and transfer shall be noted in the patient record.

IT IS FURTHER ORDERED that Respondent shall ensure that all patient treatment and care ordered by him for administration by clinic personnel is accomplished as directed. Respondent shall be responsible for ensuring that the patient record reflects the individual who provided the treatment and the time it was provided.

IT IS FURTHER ORDERED that Respondent shall develop and maintain a record keeping system which complies with the provisions of Wis. Adm. Code sec. VE 7.03.

IT IS FURTHER ORDERED that Respondent shall permit a random audit of his record keeping by the Board or Board representative within 6 months of the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall pay costs in this matter in the amount of \$400 within sixty days of the effective date of this Order. Such costs shall be payable to the Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708.

IT IS FURTHER ORDERED that the pending investigation 95 Vet 43 as it relates to Respondent Mark Peters, D.V.M. is hereby closed without further proceedings.

Dated at Madison, Wisconsin this 28th day of November, 2001.

WISCONSIN VETERINARY EXAMINING BOARD

Diane Scott, D.V.M.

Chairman